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July 6, 2012

Alan Smith
GZ-2324
SCI Mahanoy
301 Morea Road
Frackville, PA 17932
SPECIAL MAIL - OPEN ONLY IN THE
PRESENCE OF THE INMATE

Re: Alan Smith v. Janine Donate, et al.
No. 4:10-CV-2133

FILED
HARRISBURG

JUL 09 2012

MARY E. O'ANDREA, CLERK
Per [Signature]
Deputy Clerk

Dear Mr. Smith:

Please allow this letter to serve as Defendants' response to Magistrate Judge Carlson's June 7, 2012 Order in which he has required Defendants to provide you with information regarding instances which occurred between 2001 and 2011 involving the named Defendants being disciplined for infractions regarding failure to report the use of excessive force, misconduct relating to the preservation of evidence following inmate assaults and the neglect of duties in matters affecting institutional security like inmate assaults or escapes.

Attached please find a table which represents the information obtained by undersigned counsel during a review of the personnel files of the named Defendants. I believe that this table satisfies the Judge's Order.

Thank you.

Very truly yours,

[Signature]
Sean P. McDonough, Esquire

SPM/kkc
enclosure

cc: Honorable Martin C. Carlson (w/enclosure)
Richard Jones
Sharon Eggert

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ALAN SMITH vs. DONATE et al. (LACKAWANNA CO.)
MIDDLE DISTRICT # 4:10-CV-2133

Name of Defendant	Date of Incident	Alleged Misconduct	Whether Disciplinary Hrg Conducted	Result of Hearing and action taken
Frank Chiarelli	1/17/10 incident in booking area during shift	failure to complete required reports involving shift and failure to correct behavior and failure to initiate disciplinary charges against employees	Disciplinary Hearing 3/11/10	3 day suspension w/out pay
Nancy Carroll	8/8/10 - Assault on Pinto by Simonson		Hearing conducted on 12/9/10	Demoted from Lt. To Correctional Officer on 12/18/10
William Shanley		Inappropriate inferences and insubordination	11/21/06 Hearing conducted	received ltr of warning
Isaac Hebron	5/6/02	verbal argument with Armark Employee		received verbal warning
Isaac Hebron	6/1/10 incident in parking lot area of prison	Violation of conduct	6/11/10 hearing held	received written reprimand
Michael Mallick	8/8/10 Pinto assault by inmate		12/9/10 hearing held -	12/18/10 received 60 day suspension without pay

Name of Defendant	Date of Incident	Alleged Misconduct	Whether Disciplinary Hrg Conducted	Result of Hearing and action taken
Michael Zemantuski	9/13/11 – Simonson Escape	disregarding orders	10/5/11	Terminated 10/7/11
Jason Talutto	8/8/10 Pinto Assault by inmate	whereabouts during assault	8/16/10 hearing	12/9/10 received 5 day suspension without pay
Joseph Maloney				terminated on 2/15/11
Patrick (Rick) Capone	6/11/06			suspended without pay
Patrick (Rick) Capone	1/17/07			Received 12 month probation and had to complete ARD program